

Notice of Allowability

Application No.

09/622,544

Examiner

Bruck Kifle, Ph.D.

Applicant(s)

KALINDJIAN ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 10/14/04.
2. ☒ The allowed claim(s) is/are 1, 3-5, 8, 13 and 31-35.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

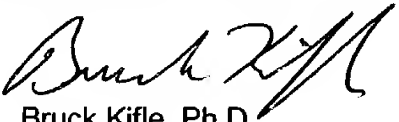
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/04/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



Bruck Kifle, Ph.D.
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms Mary Till on 11/04/04.

The application has been amended as follows:

i) In the specification, page 2, line 9 enter the following

"Brief Description of the Figures

Figure 1 shows a reaction scheme of an amine (1) with a sulfonyl chloride (R^2SO_2Cl) in the presence of a base such as triethylamine, in a suitable solvent such as dichloromethane.

Figure 2 shows a reaction scheme of an amino alcohol (2) with a sulfonyl chloride (R^2SO_2Cl) to form compound (4).

Figure 3 shows a reaction scheme involving preparation of compounds according to general formula (11).

Figure 4 shows a reaction scheme involving preparation of compounds according to general formula (15).

Figure 5 shows a reaction scheme involving preparation of compounds according to general formula (15A).

Figure 6 shows a reaction scheme involving preparation of compounds according to general formula (21A).

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Figure 7 shows a reaction scheme involving preparation of compounds according to general formula (24).

Figure 8 illustrates a suitable route for the preparation of guanidine derivatives wherein R^2 is other than hydrogen.

Figure 9 shows a reaction scheme involving reaction of 1,3-bis(*tert*-butoxycarbonyl)-2-methyl-2-thiopseudourea (22) with an enol of the form $HO-Y^1-CH=CH_2$ in the presence of triphenylphosphine and DEAD.

Figure 10 shows a reaction scheme for preparation of compounds of the invention where Z is a sulfonamide moiety.

Figure 11 shows a reaction scheme for preparation of compounds of the invention where Z is a sulfone moiety.

Figure 12 shows a reaction scheme where the N-protected amine (40) is alkylated with an appropriate alkene to form trisubstituted amine (40A) and details a reaction scheme involving preparation of compounds according to general formula (45).

Figure 13 shows a reaction scheme involving preparation of compounds according to general formula (49).

Figure 14 shows a reaction scheme involving preparation of compounds according to general formula (54).

Figure 15 shows a reaction scheme involving preparation of compounds according to general formula (58).

Figure 16 shows a reaction scheme involving preparation of compounds according to general formula (62).

Figure 17 shows a reaction scheme involving preparation of compounds according to general formula (66A/B)."

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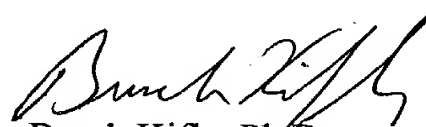
ii) Rewrite claim 31 as follows

“A method of treating a patient in need of a sedative, a sleep regulator, an anticonvulsant, a regulator of hypothalamo-hypophyseal secretion, an antidepressant, a modulator of cerebral circulation, treatment of asthma or treatment of irritable bowel syndrome comprising administering to said patient a therapeutically effective amount of H₃ receptor ligand or a pharmaceutically acceptable salt thereof according to claim 1.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruck Kifle, Ph.D. whose telephone number is 571-272-0668. The examiner can normally be reached Tuesdays to Fridays between 8:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund J. Shah can be reached on 571-272-0674. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bruck Kifle, Ph.D.
Primary Examiner
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BK
November 4, 2004